United Nations A/HRC/31/NGO/25

General Assembly

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Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the Association for Progressive Communications (APC), a non-governmental organization in general consultative status, the American Civil Liberties Union, Amnesty International, Asian Forum for Human Rights and Development, Human Rights Watch, International Commission of Jurists, International Federation for Human Rights Leagues, International Humanist and Ethical Union, International PEN, International Press Institute, International Service for Human Rights, Privacy International, non-governmental organizations in special consultative status, Article 19 - International Centre Against Censorship, the World Association of Newspapers, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[04 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02267(E)

Please recycle

Initiatives to "counter and prevent violent extremism" raise serious human rights concerns

This joint written submission raises serious concerns regarding the potential impact of initiatives to counter and prevent "violent extremism" (PVE) on the enjoyment of human rights and fundamental freedoms. This relates specifically to the planned Panel Discussion on "human rights and preventing and countering violent extremism" at the 31st Session of the UN Human Rights Council (HRC).

At the outset, we recognise that PVE initiatives that are based on a clear definition of the phenomenon being addressed, have a proper evidential basis for harm reduction, and that respect human rights and civil society space, can play a potentially positive role.

We welcome that the Secretary General's recently launched "Plan of Action to Prevent Violent Extremism" acknowledges the negative impact of violence on the enjoyment of human rights and the rule of law.[1] We note that the Plan of Action recognises that the absence of an agreed definition of what constitutes "violent extremism" poses a danger of its conflation with "terrorism." As the Secretary General further notes, this conflation of "violent extremism" with "terrorism" may "lead to the justification of an overly broad application of counter-terrorism measures, including against forms of conduct that should not qualify as terrorist acts".[2] As we have seen in the last decade and a half, the overly broad application of counter-terrorism measures has had a profoundly detrimental impact on the enjoyment of human rights. As discussed below, these concerns are heightened when, as the Plan of Action indicates, states individually define and apply the terms "violent extremism" and "terrorism."[3] Moreover, criminalising or otherwise prohibiting or sanctioning conduct without a clear definition is incompatible with the principle of legality, a basic rule of law precept.

We are concerned that HRC resolution 30/15 on "Human Rights and Preventing and Countering Violent Extremism",[4] as adopted by vote after substantial oral revisions, fails to properly capture the danger for abuse of PVE initiatives, and that it provides inadequate language aimed to protect human rights. We encourage all delegations to the Human Rights Council to ensure these deficiencies are addressed through contributions to the upcoming panel discussion and through future initiatives on this topic.

While framed in the language of promoting human rights, the push to encourage PVE initiatives as a response to terrorism ignores the risk of serious adverse human rights consequences of some of these programmes. "Violent extremism" and related terminology such as "radicalisation" are poorly defined concepts, which open the door to human rights and other abuses.[5] Several governments already routinely label political opponents, journalists, and human rights defenders as "extremists" or "terrorists". Identifying "violent extremism" as the problem only provides these governments more grounds to stifle freedom of expression and crush dissent. Moreover, some states are now promoting another category, that of "non-violent extremism," adding to the definitional confusion – and potentially resulting in the criminalisation of conduct that is not linked in any way with acts of violence.

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[1] Report of the Secretary General, "Plan of Action to Prevent Violent Extremism", 24 December 2015, U.N. GA, 70th Sess., A/70/674

[2] Ibid., para. 4, p. 2.

[3] Ibid., para. 5, p. 2.

[4] Human Rights Council Res. 30/15, Human Rights and Preventing and Countering Violent Extremism, 30th Sess., Sept. 14- Oct. 2, 2015, U.N. GAOR, 70th Sess., A/30/15 (Oct. 12, 2015).

[5] The absence of a definition for the term "violent extremism" is acknowledged by the Secretary General. He notes, however, that "Violent extremism encompasses a wider category of manifestations [than terrorism] and there is a risk that a conflation of the two terms may lead to the justification of an overly broad application of counter-terrorism measures, including against forms of conduct that should not qualify as terrorist acts." (*Ibid.*). It is difficult to foresee how, for example, PVE measures that limit freedom of expression will be "clearly and narrowly defined and meet the three-part test of legality, proportionality and necessity" when "violent extremism" and analogous concepts are not defined (*Ibid.* At para. 50(k)).

In many parts of the world, PVE initiatives may compromise the human rights and fundamental freedoms of the communities they target, undermine the work of human rights defenders| as well as the independence of civil society. While packaged as positive measures, many PVE initiatives have a significant potential to threaten the human rights to equality and freedom from discrimination, the right to privacy, and the freedoms of expression, association, and religion or belief.

Moreover, the evidential basis for PVE initiatives achieving their intended effect is often questionable, as they may alienate the very people they are meant to help. Such initiatives are often perceived as stigmatising, discriminatory and as a form of "soft surveillance" by members of the communities they target.[6] Indeed, many of them have voiced concern that the security and intelligence services, in league with law enforcement agencies, may use PVE programmes to attempt to recruit informers, creating fear and distrust. Moreover, while PVE initiatives are often framed as not addressing a particular ideology or religion, the communities and individuals currently targeted are overwhelmingly Muslim, with some programmes specifically targeting and stigmatising Muslim women.[7]

Some PVE initiatives may be welcomed on the basis of their bringing much-needed resources to communities to address economic and social issues assumed to be connected to the causes of violent extremism. However, where situated in the framework of safeguarding national security, these initiatives can prove divisive and counterproductive, as they are often perceived as being premised on and reinforcing of negative and false stereotypes of a unique association among Muslims, terrorism and violence.

Other PVE initiatives promote particular forms of intervention to divert or disrupt individuals from an alleged pathway to "violent extremism". These often target individuals, again overwhelmingly Muslims, on the basis of misconceived assumptions about the ease with which individuals susceptible to acts of violence can be profiled and with little or no evidence for the efficacy of interventions. They often require the active collaboration of public service providers (such as in social services, health or education) and security or law enforcement agencies, with interventions often triggered by lawful behaviour.[8] In the context of education, for example, we have observed such mechanisms being mobilised in response to protected forms of expression or religious practice, including by young children, infringing on the rights to education and expression, and further exacerbating distrust and marginalisation.

We are also concerned by PVE proposals that prohibit targeted individuals' access to the Internet or specific online platforms, measures for the blocking of lawful online content, and blanket restrictions on access to specific platforms or encryption services. We increasingly see governments seeking to enlist private companies to "voluntarily" monitor or remove lawful content on the basis of its alleged connections to "violent extremism", where governments themselves lack these powers. These measures often lack proper procedural safeguards and pose a serious danger to the rights to freedom of expression and privacy online. Governments and inter-governmental bodies too often overlook the enormous potential of a free and open Internet to enable robust debate and make a positive contribution to PVE.[9]

We call on all delegations to carefully consider these concerns in their contributions to the panel discussion of PVE at the 31st Session of the Human Rights Council, and in relation to any follow-up initiatives.

Access Now; ActiveWatch Romania; Afghanistan Journalists Center; Australian Privacy Foundation; Bahrain Centre for Human Rights; Brazilian Association of Investigative Journalism – ABRAJI; Cambodia Center for Independent

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[6] See Dilly Hussain, "The Serious Way Forward to 'Prevent' Terror in Britain," Middle East Eye, 27 January 2016; available at http://www.middleeasteye.net/columns/beginning-end-prevent-716599408

[7] See, for example, "David Cameron Stigmatising Muslim Women With Learn English Language Policy", The Guardian, January 18 2016; available at: http://www.theguardian.com/politics/2016/jan/18/david-cameron-stigmatising-muslim-women-learn-english-language-policy

[8] See, for example, Michelle Boorstein, *Muslim Activists Alarmed by the FBI's New Game-Like Counterterrorism Program for Kids*, Washington Post 2 November 2015; Diane Taylor, *Schools Monitoring Pupils' Web Use With 'Anti-Radicalisation' Software*, Guardian, 10 June 2015.

[9] We appreciate that the Secretary General notes in his Plan of Action that "thousands of young activists and artists are fighting back against violent extremism online through music, art, film, comics and humour", *op. cit.*, at para. 55.

Media – CCIM; Canadian Journalists for Free Expression; Cartoonist Rights Network; International Center for Media Freedom and Responsibility – CMFR; Charity & Security Network; Committee to Protect Journalists – CPJ; Council on American-Islamic Relations – CAIR; English PEN; European Digital Rights – EDRi; Federation of Nepali Journalists – FNJ; Free Media Movement (Sri Lanka); Freedom Forum Fundamendios; Globe International Center (Mongolia); Gulf Centre for Human Rights; Human Rights Network for Journalists (Uganda); Independent Journalism Center -IJC (Moldova); Index on Censorship; International Federation of Journalists - IFJ (Asia-Pacific); La Quadrature du Net; March Lebanon; Media Foundation for West Africa; Media Institute of Southern Africa; Media Rights Agenda ; Media Watch; Media Entertainment & Arts Alliance (Australia); Mizzima News; Muslims for Progressive Values; National Union of Somali Journalism – NUSOJ; Palestinian Center for Development and Media Freedoms- MADA; PEN America; PEN Canada; Social Media Exchange - SMEX (Beirut); South East European Network for Professionalization of Media Southeast Asian Press Alliance – SEAPA; Vigilance for Democracy and the Civic State; West African Human Rights Defenders' Network – WAHRDN; World Association of Community Radio Broadcasters- AMARC; NGO(s) without consultative status, also share the views expressed in this statement.

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Human Rights Council
Thirty-first session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Arab Association for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[08 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02268(E)

Please recycle

The Silencing of Civil Society in Israel and Its Impact on the Palestinian Arab Minority

1. The Arab Association for Human Rights (HRA) is greatly troubled by the recent escalation of incitement and repressive measures against civil society in Israel. Not only does this threaten the freedom of speech and association, but it also serves to delegitimize and disenfranchise the Palestinian Arab minority, exacerbating tensions and undermining democratic aspirations in the region.

2. Expressions of dissent, especially by Palestinian Arab citizens, have always been marginalized in Israel, but today an atmosphere of paranoia and hostility has further silenced the tremendous work of Palestinian Arab civil society. The shrinking of civil society space is an obstacle to peace, basic democratic principles, and the full realization of human dignity and freedom.

Legislative Background

3. Current and pending Israeli legislation restrict or penalize the expressive content of civil society groups and activists. The limitations imposed by these laws serve primarily to stigmatize and to silence the human rights concerns of the Palestinian Arab minority:

(a) Amended Budget Foundations Law (2011) ("Nakba Law"): The Minister of Finance may impose monetary sanctions on organizations, receiving funding by the state, that render payment toward actions or events that undermine the "Jewish and democratic" nature of Israel, violate state symbols, or mark Israel's establishment as a "day of mourning." This law restricts criticism of the state generally and, more specifically, penalizes the commemoration of the Nakba—a seminal moment in the Palestinian historical narrative.

(b) Law Preventing Harm to the State of Israel by Means of Boycott (2011) ("Anti-Boycott Law"): Plaintiffs may bring civil lawsuits for tort damages against individuals who call for a boycott of Israel or of the territories under its control. This law is an attempt to suppress the calls of Palestinian civil society for an international boycott, as a means of non-violent and peaceful resistance, against violations of international law in Israel and/or the occupied territory.

(c) Law on Disclosure Obligations of Recipients of Support from Foreign Political Entities (pending) ("Anti-NGO Bill"): Past versions of this bill have sought variously to tax the donations to, prevent the registration of, or require special identification tags worn by entities critical of the state. The current version, as approved by the government, would require non-profits funded primarily by donations of foreign states to disclose their funding and status as "foreign state entities" in all public materials and in the minutes of meetings with public representatives. This law would effectively apply nearly exclusively to organizations, such as human rights groups, that are critical of Israel's treatment of Palestinian Arabs in Israel and the occupied territory.

Hostile Rhetoric and Incitement

4. The legislative effort behind the Anti-NGO Bill comes amid an intensifying discourse among the Israeli public and government that seeks to demonize civil society. Recently, the extra-parliamentary group Im Tirtzu launched a campaign that purports to expose various individuals, including activists and artists, as "moles" planted by foreign governments to enable Palestinian terrorism in Israel.[1] This sentiment is shared or supported by Israeli government

[1] *See, e.g.*, Im Tirtzu, *The Foreign Agents – Revealed!* (2015), https://www.youtube.com/watch?v=02u_J2C-Lso.

officials, who have also accused human rights groups of having ties with terror groups or being foreign agents.[2]

5. The cumulative effect of this discourse is to intimidate and incite against groups and individuals who monitor and advocate for human rights, particularly of Palestinian Arab citizens of Israel or residents of the occupied territory.

Silencing Minority Voices

6. Israeli authorities have seized the recent escalation of violence as an opportunity to suppress Palestinian Arab activists and organizations. In October 2015, approximately 100 Palestinian Arab citizens were arrested in connection with public demonstrations, on the fictitious charge of "organizing an illegal gathering with the intent to riot." In many cases, arrested individuals were not questioned or were released shortly thereafter, suggesting that these arrests had no factual or legal basis, but rather were done to prevent activists' participation in political demonstrations.

7. The most flagrant instance of this suppression was the November 2015 criminalization and closure, by administrative order, of the northern branch of the Islamic Movement in Israel and 20 allegedly affiliated organizations. On the basis of a draconian Emergency Law dating to the British Mandate of Palestine, with a non-transparent process for which judicial review is unhelpful and limited, Israeli authorities declared the Movement and the 20 organizations "terrorist" and/or "unlawful," closed their offices, and subjected their properties to confiscation.

Analysis

8. The aforementioned policies and practices of Israel violate both the letter and the spirit of international human rights law. Most notably, they either restrict, impede or threaten the freedoms of expression, association and religion.[3] However, they are also detrimental to the principles of equality and non-discrimination:[4]

(a) These laws or actions serve effectively to silence certain expression—or those who express it—on the basis of national origin (i.e., their nexus to the human rights concerns of Palestinian Arabs), religion (i.e., Islam, associated spuriously with terrorism), or political opinion (e.g., opposition to state policy).

(b) Accordingly, the stigmatization these national, religious or political minorities experience imparts a dignitary harm to them, indicating that their value and status under Israeli law are inferior and illegitimate. At its worst, this delegitimization may amount impermissibly to incitement to national, racial or religious hatred, discrimination and violence.[5]

9. Though these efforts to suppress activists and human rights groups are human rights violations in and of themselves, they also perpetuate additional abuses. Because of the relative neglect with which the state has treated the Palestinian Arab minority, civil society groups have had to provide for the social, economic and cultural rights of the impoverished Arab community. Attempts to shut down these groups deprive the Palestinian Arab minority of the few services and resources left available to them.

10. Moreover, the organizations and individuals most harmed by Israel's repressive tactics are human rights defenders, often targeted because of the nature of their activities, their pursuit of justice in international fora, or their receipt of foreign funding. This hostility contradicts the international standards set by the U.N. Declaration on Human Rights Defenders, which affirms the rights of individuals and groups to conduct human rights work, to peaceably assemble, to oppose acts of the state, to engage with international bodies and to receive resources from abroad.[6] Not only has Israel

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[2] *See, e.g.*, Itamar Eichner, *Israel to E.U.: Halt Funding of NGOs Working Against Us*, YNET NEWS (Jul. 21, 2015), http://www.ynetnews.com/articles/0,7340,L-4682691,00.html.

[3] International Covenant on Civil and Political Rights arts. 18, 19, 21.

[4] *Id.* at arts. 2, 26.

[5] *Id.* at art. 20(2).

[6] *See Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, arts. 1, 5, 9, 12, 13, U.N. Doc. A/RES/53/144 (1999).

failed to uphold its duty to promote these rights and to protect defenders from adverse discrimination,[7] but it has also taken active steps against defenders' rights and encouraged similar hostility by third parties. This hostile climate impedes the monitoring and advocacy activities of human rights defenders, whose work is needed today more than ever.

11. Lastly, the HRA cautions that these censorial measures, which are allegedly intended to protect Israel's security, are in fact counter-productive. The increasingly shrinking space for Palestinian civil society can only inflame tensions at a time when peace and stability have already deteriorated. Critical dissent is not only a necessary and healthy aspect of a genuine democratic framework; it is also a channel through which non-violent change can be attempted. The disenfranchisement and deprivation of civil society threatens to encourage further violence in a region that is fraught with it. And the exemplary value of the rule of law and human rights is undermined by Israel's attempt, as a relatively developed member State of the international community, to suppress the voices of the marginalized Arab minority and the people who defend them.

12. On the basis of the above, the HRA urges the Council to:

- Take a clear and definitive position on the centrality of civil society—even and especially of minority and dissenting voices—in the international effort to seek peace, stability, security and the rule of law;

- Condemn Israeli policies that silence or suppress the activities of Palestinian Arab civil society, particularly human rights defenders;

- Call upon Israel to cease immediately its practices that hamper human rights, to provide adequate remedy for deprivations thereof, and to adopt into its policies the standards set forth by the Declaration on Human Rights Defenders;

- Reiterate the necessity of Israel to incorporate explicitly into its laws the freedom of speech and association and the principles of equality and non-discrimination.

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[7] *See id.* at arts. 2, 12.

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[08 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Confronting and putting an end to the grave human rights violations in Saudi Arabia

Saudi Arabia as one of the significant members of the Human rights council with a particularly poor record on the Human Rights fronts has unceasingly violated the international humanitarian law with a criminal procedure code that does not meet international standards relating to human rights. Secret trials, amputations, detention of human rights activists and executions characterize the human rights situation in Saudi Arabia.

Human rights reports reveal that Saudi Arabia is the most prolific executioner in the world. Between January and November 2015, Saudi Arabia executed at least 157 people, amounting to its highest recorded number of executions in a single year since 1995. Phillip Luther, current director for the Middle East and North Africa Program at Amnesty International recognized that "Saudi authorities effectively criminalize peaceful dissent and freedom of expression as terrorism crimes." As a result, this has legalized indefinite incommunicado detentions without charges or trial. In addition, James Lynch, deputy director at Middle East and Africa Program at Amnesty International stated that "The Saudi Arabian authorities appear intent on continuing a bloody execution spree an average of one person in two days." These cases are rather common as legal representation is denied and they are organized under confidentiality with severe torture and high risks of execution. Attempted opposition from many local and international Human rights commissions such as the Bahrain Independent commission for inquiry is nothing but void. Likewise, the UN Working Group rapport stresses the fact that "The Saudi Arabian authorities are consistently violating the country's insufficiently amended laws to deprive human rights defenders and others of their freedom".

However, the International community has not held the government accountable for these violations but has rather exacerbated the situation by turning on a blind eye.

The capital punishment, namely death penalty, has been a provocative issue in Saudi Arabia for a long time not only due to the high number of individuals sentenced to death, but also due to the legal justifications upon which the harsh verdicts were issued. Throughout the history of Saudi Kingdom, the death penalty was commonly used against protesters who invoked peaceful means to voice their views in public issues. Although, International law prohibits the use of the death penalty against anyone under the age of 18, the Saudi authorities twisted the law by preserving "the convicted in prison until he reaches the age of 18" so as to legalize the execution.

According to human rights organizations the execution cases rose dramatically after King Salam came to power in January 2015. Human Rights Watch issued a briefing on 16 June 2015 stating that "Saudi authorities have carried out 100 executions since January 1st, compared with 88 in all of 2014. Of the 2015 executions, 47 were for nonviolent drug offenses."

According to Sarah Leah Whitson, Middle East and North Africa director "Saudi authorities have been on a campaign of death this year, executing more people in six months than all of the previous year".

Amnesty International comments "Saudi Arabia's authorities have demonstrated their utter disregard for human rights and life by executing 47 people in a single day including Shaikh Nimr al-Nimr.

Furthermore, these prisoners of conscience were convicted after a partial court called "Specialized Criminal Court". As well with the exception of Sheikh Nimr and three other activists from Qatif the others were convicted of affiliation with al-Qaeda.

The Saudi authorities deliberately combined peaceful protesters with those that were convicted of involvement with al-Qaeda with the aim of misleading the public opinion. Indeed, by killing of Sheikh Nimr al-Nimr in particular, the Saudi authorities are abusing the death penalty in the name of countering terror to settle scores and crush dissidents.

"A bloody day when the Saudi Arabian authorities execute 47 people, some of whom were clearly sentenced to death after grossly unfair trials. Carrying out a death sentence when there are serious questions about the fairness of the trial is a monstrous and irreversible injustice. The Saudi Arabian authorities must heed the growing chorus of international criticism and put an end to their execution spree," said Philip Luther.

As such, there are legitimate concerns about those hundreds if not thousands of prisoners of conscience who called for reforms to face such sentences also in the name of fighting terror. As such, human rights council is obliged to scrutinize execution cases and human rights record in general in order to examine the alleged commitments of the Saudi regime of the human rights charter ratified by the Saudi government.

Of note according to reliable reports, many death penalty cases defendants are denied legal representation and their convictions are based on "confessions" extracted under torture or other illegal means.

Although, international standards, including the Arab Charter on Human Rights, ratified by Saudi Arabia, require countries that retain the death penalty to use it only for the "most serious crimes, such as murder and in exceptional circumstances," the Saudi authorities appear to keep using this rigorous penalty very loosely.

The Death Penalty Worldwide Database, which collects information on executions across the globe, shows that Saudi Arabia has one of the highest execution rates in the world. Most importantly Saudi Arabia applies the death penalty to a range of offenses that do not constitute "most serious crimes."

The Saudi officials often claim that the Saudi criminal justice system adheres to high standards. However, they always associate their commitments to human rights treaties with the rule of Sharia. The intermingling between human right treaties and the Rule of Sharia alludes to the mechanism upon which the Saudi authorities justify a wide range of violations.

The rein of King Salman has seen a dramatic deterioration of human rights conditions. Many individuals have found themselves detained and arrested for long periods from 5-15 years or could be sentenced to death for behaviour that is not criminal or that even poses a threat to the national interests. In fact, the majority of the prisoners were practicing their right of expression that led to their detention and execution.

It is worth mentioning that the Saudi authorities often do not inform individuals of the crime of which they are accused, or the evidence supporting the accusation. An accused person typically does not have access to a lawyer, faces abuse when refusing to incriminate him or herself, and waits excessive periods of time before trial, where he or she is often unable to examine witnesses or evidence and present a legal defence, not least because of a presumption of guilt and shifting charges.

It is evident that violations of defendants' rights are systematic in Saudi kingdom where the criminal justice system does not correspond to the international human rights standard or the rule of law. The Saudi legal system is allegedly based on the Sharia law, according to the strict interpretation of Islamic traditions. Accordingly, citizens, men and women, foreigners, and visitors are not aware of the acts that constitute a criminal offence and what are the legal procedures that could be followed after the detention. Death penalty, as an absolute punishment, could be imposed after unfair trials, and with no full legal representation of the defendants. In many cases, judges issued sentences without reference to written legal code; rather they rely on a personal based judgement which has left many victims unheard.

In consideration of these horrendous human rights violations in the Saudi Arabia, International Council Supporting Fair Trial and Human Rights calls up on the international community to urge the regime to reaffirm their commitment to respect the rights of everyone, in particular the right to freedom of religion and to freedom of opinion and expression, which is enshrined in the fundamental international human rights instruments.

We strongly urge the Saudi Arabian government to establish a national mechanism to reform the criminal justice system and human rights situation as per international standards, and put in place mechanisms to raise monitoring and accountability efforts that are aimed at promoting and protecting human rights.

Political execution is a cruel punishment that contradict with the Universal Declaration of Human Rights and other relevant international conventions, including the International Covenant on Civil and Political Rights and its protocols on the death penalty. According to these conventions and protocols, such punishments should not be applied on political activists who demand democratic reform. Hence, the mass execution of prisoners of conscience and further repression against human rights activists is a violation of these international human rights instruments that requires an international investigation by the United Nations and the specialized committees.

Lastly, we call upon the international community, in particular the United Nations, to intensify its efforts to prevent further executions and vile human rights abuses in Saudi Arabia. It is essential to condemn the Saudi Arabian regime and prosecute the authors of these horrendous violations.

(Statement prepared by International council supporting Fair Trial and Human Rights)

United Nations A/HRC/31/NGO/28

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Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[05 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Please recycle

Yemen: The world's worst catastrophic crisis

The Saudi-led war on Yemen and the resulting humanitarian crisis has surpassed 300 days and the shocking death toll stands at 8,278 victims[1]; most of them civilians, among them 2236 are children. This is an average of eight children killed or injured every day, according to UNICEF[2].

United Nations' Humanitarian Coordinator, Johannes Van Der Klaauw, said Yemen had become "a humanitarian catastrophe"[3] and it is one that is likely to get worse as millions of civilians are left without medical aid. Humanitarian Aid Groups operating on the ground in Yemen have been targeted, and hospitals and rescue teams[4] in the field have come under frequent and repeated airstrikes by the coalition jets. It has therefore become too dangerous for medical aid organizations to provide medical assistance to civilians in desperate need.

Humanitarian aid groups confirm that the situation is growing worse every day with shortages of food, water, medical supplies and other essential services. Millions of people are in need of urgent assistance in Yemen; 2.5 million people have been displaced[5], while 14.4 million others in Yemen are on the brink of starvation, FAOwarns[6].

The shocking humanitarian crisis that has been clearly documented through grave violations of human rights and International Humanitarian Law include over 21 million Yemeni civilians according to the UN[7], who are suffering as a result of disastrous and serious deterioration of the humanitarian situation on the ground in Yemen. A much better attestation is what has been stated by many well-recognized international organizations such as the ICRC[8], whose President, Peter Maurer was appalled by the suffering he witnessed during his last visit to Yemen on 8th August, 2015. "Yemen is on the brink of a human catastrophe by all indications", he said. Press and media reports confirmed the same.

The situation in Yemen could turn "catastrophic".[!], Trond Jensen, the Head of OCHA's Office in Yemen used the term as he appealed to all parties to the conflict to respect their obligations under international law, and to respect civilians and civilian infrastructure. He called, in particular, for unfettered humanitarian access, so that urgently needed supplies can be brought in. "I am extremely concerned for the safety of civilians caught in the middle of fierce fighting in Yemen," he said.

Impact of Airstrikes on the Health Sector

Since the beginning of the military operations by the Saudi-led coalition, the health situation in Yemen has been rapidly deteriorating with hospitals no longer being safe places saidMSF[9] after being directly or indirectly targeted by the coalition jets. Most medical personnel decided to leave their work and move to safer areas and some ICRC[10] staff have even been killed in the indiscriminate airstrikes. Consequently, Yemeni public and private hospitals have become incapable of providing medical services or treating thousands of civilians injured in the brutal and relentless air strikes on civilians[11]and battles in several cities.

Impact of Total Blockade on the Humanitarian Situation

The coalition's air, naval and land blockade as well as the air strikes on seaports and airports have utterly paralyzed the health sector in Yemen. This has hindered the entry of medicines and medical supplies, thereby compounding the humanitarian crises. The blockade has also prevented victims with critical injuries from seeking medical treatment abroad.
The prevention of the entry of fuel into Yemen, and the intentional airstrikes on electrical power plants have exacerbated the sufferings of civilians. Many deaths have been reported in operation theaters and dialysis units due to this.

Hospitals and health facilities in Yemen have sounded the alarm that they are no longer able to provide even the bare minimum level of services and health care due to the acute shortage of drugs and medical supplies, ranging from all types of general drugs to specialized ones. There is almost a total lack of solutions used in cases of renal failure, immunosuppressive drugs, and chronic diseases drugs such as blood pressure and diabetes. To make matters worse,

medical storage facilities, including but not limited to Oxfam's medical storage facility in Saada governorate have been directly targeted by airstrikes[12].There is also a desperate shortage of vaccines, serums, and malaria drugs.

I would make an appeal at the distress level, for the urgent provision of lab solutions, especially to carry out blood transfusion tests. It is possible that the stocks currently available may deplete within this week. I must also mention that the cancer drugs and screening solutions will soon be out of stock. With respect to equipment and medical devices, there are incalculable issues. Maintenance of equipment and devices have approached dangerous levels nearing a complete stop. The already existing shortage and numerous out-of-service equipment and devices can be conceivable without a glimmer of hope for maintenance, let alone the importation of new ones.

Impact of Airstrikes of Civilian Food Supply

Documented and repeated airstrikes[13] by the coalition on food storage facilities, food factories, dairy farms, livestock and chicken farms, food transportation trucks, grain silos, vegetable and fruit markets, as well as agricultural and grazing lands shows a clear intent by the coalition to starve the people of Yemen by depriving them of what little is produced domestically. It is a well known fact that Yemen relies on imports for most of its food requirement and the deliberate targeting of Yemen's food supply in this manner constitutes a war crime.

It is well-known to the globe that Yemen is one of the poorest countries in the world, with poor standard of health and medical services. However, the Saudi-led Arab Coalition has intensified the suffering and the magnitude of the catastrophe. The already-poor health situation has been exacerbated and it is an absolute disgrace to humanity as a whole for keeping silent in the face of such severe suffering and a catastrophe of unimaginable proportions such as what we see in Yemen. We are deeply concerned that the coalition attacks on civilian, medical, and aid centers constitute significant and clear war crimes as per International Humanitarian Law.

According to the Geneva Conventions, which is part of Customary International Law, and which all members of the coalition have universally ratified, the coalition is required to conduct hostilities in a manner that targets only legitimate military objectives, without engaging in indiscriminate attacks or the intentional targeting of civilian populations. The well-documented massacres by the coalition, of civilians in Al-Makha according to HRW[14]and the most recent attack leading to the total destruction of the only port operating in Yemen, the port of Hudaida, shows blatant disregard by the Saudis and their allies to these International Customary Laws that are binding on all these states taking part in the attack on Yemen.

Recommendations:

The humanitarian community is currently seeking $747.5 million to provide a range of life saving, protection and resilience services for 8.2 million people – including $284.6 million for the most urgent life-saving and protection programmes.

Despite the coalition's losses, Yemen's population faces far greater calamities. In short, Yemen, which under normal circumstances is the least developed country in the Arab world, is facing an unprecedented humanitarian crisis. To date, 1.5 million Yemenis are internally displaced persons (IDPs). Moreover, shortages of fuel used to pump water have led to a significant deterioration in public health.

We need to be doing all we can to alleviate the dire humanitarian situation and help the 21 million Yemenis in need of assistance.

So we call:

- All parties must do what they can to facilitate rapid and safe access for humanitarian aid, and remove bureaucratic impediments;

- All parties should take immediate measures to prevent any damage to the civilian population and infrastructure, and stop any and all potential breaches of international humanitarian law. International actors such as the UN HRC Members should monitor and condemn breaches by all sides. The growing international and diplomatic pressure should be used to show both sides that an immediate ceasefire is necessary;

- Lifting the de-facto blockade must be priority for the state members and international partners;

- All parties must allow unconditional and safe access for humanitarian agencies, and allow them to work in an independent and impartial manner without excessive hurdles or political interference, including across frontlines;

[1]Yemeni Civil Coalition for Monitoring Aggression Crimes: statement release date 20th January 2016.

[2]http://www.unicef.org/media/media_82940.html

[3] http://www.un.org/apps/news/story.asp?NewsID=51504#.Vqe14lMrI6h

[4] http://www.doctorswithoutborders.org/article/yemen-airstrikes-saada-wound-dozens-kill-ambulance-driver-among-others

[5] http://www.unhcr.org/pages/49e486ba6.html

[6]http://www.fao.org/news/story/en/item/380653/icode/

[7] http://www.un.org/apps/news/story.asp?NewsID=51516#.VqzI1sTXeK0

[8] https://www.icrc.org/en/document/icrc-president-says-world-must-wake-suffering-yemen

[9] http://www.msf.org/article/yemen-our-patients-and-staff-need-feel-safe

[10] https://www.icrc.org/en/document/yemen-two-volunteers-international-red-cross-and-red-crescent-movement-killed-airstrike

[11] https://www.hrw.org/report/2015/11/26/what-military-target-was-my-brothers-house/unlawful-coalition-airstrikes-yemen

[12] http://www.oxfam.org.uk/media-centre/press-releases/2015/04/yemen
[13] Legal Center for Rights and Development statistical report on casualties and damage

[14] https://www.hrw.org/news/2015/07/27/yemen-coalition-strikes-residence-apparent-war-crime

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GE.16-02271(E)

Please recycle

Sick and wounded prisoners' testimonies in the Israeli occupation prisons

Prisoner Thaer Halahlah

The prisoner "ThaerAziz Halahleh" said that he was infected with hepatitis deliberately by the occupation prisons service doctor, due to harsh investigation in Ashkelon prison, he suffered from pain in the right side of kidney, back, and teeth. He was taken to the prison's clinic and conducted blood and dental tests, where the doctor used non sterile medical tools during his teeth treatment, and he said "I saw blood on the tools, and later I found out that I'm infected with hepatitis, they prescribed me (250) pills in one month but it was in vain".

Prisoner Ali Shalaldeh

The ex-detainee "Ali Shalaldeh" (62 years old) described Al-Ramla prison's hospital as a refrigerator where prisoners are humiliated".

He saw death several times in front of his eyes, where five prisoners died at the hospital without facing any response from the prison's administration, there is neither treatment nor good medical care.
He added that there are 20-30 permanent patient, their diseases varies: paraplegia, feet impeding, and chronic diseases. in addition, this hospital also provides emergency and slight treatment for tens prisoners who visit the hospital daily. This hospital is supervised by a general practitioner and one nurse only; treatment is often limited to painkillers for all diseases at the appropriate time and way the doctor or nurse see.

Shalaldeh added, "They don't treat you as a patient prisoner, but as criminal dangerous prisoner ", where they handcuffed prisoner when transferring him to another hospital.

The Ex-detainee patient Akram Rikhaoy Testimony

The ex-detainee "Akram Abdullah Mohammed Rikhaoy", "42 years old", he stayed in Al-Ramla hospital for 8 years, before being released in February 2013, he was suffering from a severe asthma, high diabetes and cholesterol in blood, and he witnessed many prisoners' death.

He says," the death scenes and pain sounds, surround you at every corner, from the so-called Hospital" where prisoners are exhausted by pain where their bodies, lives and health rights are being abused flagrantly.
Al- Ramla prison hospital "doesn't meet the basic requirement of a semi-clinic", and it is not different from other sections as they all share the same injustice and aggrieve against humanitarian rights.

Al-Rikhaoyadded, "15prisoners are helped by one healthy prisoner, and you can imagine how hard is helping nine paralyzed prisoners touse toilet each morning daily".

The occupation practiced medical malpractice in all its forms, when a prisoner suffers from pain he is examined only after years after being very sick and cannot be treated.
Rikhaoy says : " I lived in Al-Ramla prison's hospital nearly nine years ; when a prisoner needs a simple operation waits nearly two years until they agree, How about serious diseases ? "

Al-Rikhawi added ,"I saw approximately 16 prisoners death, most of them had cancer , "confirming that prisoner Mohammed Radayda from Tulkarm was assassinated directly after three days of his detention by the Israeli intelligence, where he was in a very bad state when he was arrested.

As well as prisoner "ZuhairLabadah" who died after three days after his release, due to medical negligence where they delayed his analysis which supposed to be three times a week, resulting to liver failure ,And he was released after a medical committee decision saying that this man will die after several days .

"When we asked the prison administration to take the prisoner "JomaaAl-kayali" to the clinic, they were late and waited until he died", where the martyr prisoner "Maysara Abu Hamdiya" was suffering from pain and after 6 years he was diagnosed with cancer , and was not treated well ,then he died.

The wounded Tarek DwaikTestimony

The prisoner "Tarek KhalelAbbas Dwaik" who resides in KaferAkab in Jerusalem, 19 years old, who is detained since 13/10/2015, stated that 30 Israeli soldiers attacked him in Ranana area in the occupied territories where he was working, and hit him sharply in all his body parts.

And he said that," he woke up after ten days, surrounded by 3 guards and his hands and legs were cuffed, he was wounded in both neck and eye, and he was connected to an equipment to help him to breathe".
Dwaik mentioned that he was taken to the Al-Ramla hospital and then to Maskobiya for investigation, for 15 times in continuous investigation rounds, and one of investigators hit him on his head, also another one gripped the equipment around his neck which made him feel severe pains and he couldn't breathe then fall down.

Dwaik said that he was taken from the hospital to the investigation several times, which lead to worsen his health condition, causing tiredness and overexertion, moreover "Alnahshoon", which was responsible on transferring him from hospital to investigation treated him badly. His health condition still very bad where he can't breathe except through equipment in a hole in his neck.

The wounded prisoner Mos'ab Ghneemat

The prisoner Mosab Mahmud Ghneemat, 16 years old, resident in Soreef, Hebron, stated that he was shot on 23/10/2015 during olive collecting; where he was injured in his leg and fell down.
Ghneemat said that there was no reason for shooting as he was unarmed, wounded and suffering, and while he was in the ambulance to the hospital, he was under investigation. And after reaching HadasaEanKarem hospital he had another investigation before having the surgery .Four days after surgery he was investigated again also they prevented him from using toilet and kept shouting and insulting him all the time.

A meeting with the martyr prisoner Ashraf Abu Zareea' in the hospital before his death

To prove the sick prisoners' difficult conditions in Al-Ramla hospital; we attach meeting details between the head of Mandela foundation, lawyer "Bothaina Dokmak" and the prisoner Ashraf Abu Zarea', who died months later, where she visited him on 28/5/2012 and he died on 22/1/2013 due to Medical negligence.
She confirmed that his health is very bad, due to treatment negligence; as the administration only gives him painkillers although he suffers from several diseases including legs muscles atrophy and severe pains.
The prisoner said to BothainaDokmak", the administration makes sure that we are suffering in every moment. Arresting us was not enough to enforce us difficult procedures, where we live the same bad conditions as other prisons, and it has nothing to do with hospital except the name".

Abo Zrea added, "The patients are living in bad conditions. Three years ago, a doctor from Doctors without Borders examined meand recommended a therapy 5 times a week, but the prison administration only commit once or twice a week".

A Knesset member criticizes the prison's conditions

The Arab representative in the Israeli Knesset Dr. AfuAghbariya had strongly criticized sick prisoners mistreatment in Ramla prison hospital, where he said: it is ironic to call that miserable clinic as hospital, Where there are no medical devices and no specialist doctors, the jailor in that hospital is the doctor himself, and what makes it worse is the lack of the necessary medications for difficult diseases and the only medications for disease are painkiller and aspirin.

Dr. Aghbariya said that the Israeli leaders should close that hospital or replace it with a real hospital which provides its patients with full medical services as required by human and prisoner's rights principles, and it should not be used as a

cover to hide its repressive policy toward the Palestinian prisoners, furthermore, he stressed on the necessity of selecting specialized doctors from different official hospitals to provide treatment to patient prisoners in this miserable hospital and to quip it with the necessary medical equipment in order to turn it into a hospital under medical supervision . Aghbariy a listed the prisoners' medical neglect issue in the proposal, after revealing a documented information by the Hebrew press, which refers to the Israeli prisons administration serious neglect in providing treatment to prisoners who suffer from serious diseases, which lead secretly to many prisoners death as if nothing has happened.

Dr. Aghbariya said that the Palestinian prisoners' health and diseases are much worse and dangerous; where in 2013, three prisoners died, they are: Maysara Abu Hamdiya, Arafat Jaradat and Hassan Turabi, who died recently in the so-called "Afula prison's hospital ". The number of Palestinian prisoners who died in the Israeli prisons as a result critical health conditions has reached to 208 prisoner addition to 1400 Palestinian prisoners at the Israeli prisons who suffers from various serious diseases; 170 of them need urgent surgical operations, 85 of them are suffering from various disabilities, 25 prisoners have cancer and do not receive any needed treatment and 16 prisoners resides in the so-called Al-Ramla prison's hospital. Therefore, today the death risk threats hundreds of prisoners' lives due to the government intended neglect

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Please recycle

The Israeli Occupation Violates Prisoners' Health Rights Through the Following:

1. The Israeli occupation explicitly violates the International Humanitarian laws that urge providing necessary treatment for sick prisoners.
2. The Israeli occupation practices homicide outside the law by leaving the injured bleed to death, without providing first aid to them or even taking them to hospital.
3. The Israeli occupation practiced field investigation with the wounded prisoners who had been wounded with live bullets instead of providing the necessary treatment.
4. The Israeli occupation doesn't usually do periodic examinations to detect diseases that many prisoners might infected of, to spread diseases intentionally among them and to make it difficult to be healed.
5. The Israeli occupation tries to slowly kill prisoners by using medical negligence intentionally and leave prisoners exposed to deadly diseases, which makes their health worse over time.
6. Al-Ramla prison's hospital is not suitable as a hospital and the occupation practices all suppression forms, abuse and disregard inside it.
7. Occupation doctors give wrong medicine to prisoners deliberately.
8. The occupation bears full responsibility for the deaths that have been inside prisons, as well as the deaths, even after leaving the prison as a result of diseases they had suffered during their imprisonment time.
9. The Israeli occupation is the world's only entity in which doctors torture and blackmail prisoners.
10. Prison clinics lack to specialized medical staff. Some prisons do not have doctors and the doctors in prisons are general practitioners.
11. Clinics lack necessary medical equipment for examining prisoners and there is a lack for assistive equipment for examining prisoners with special needs.
12. Some indicates that the occupation doctors have been experimenting drugs on prisoners and this was assured by some Israeli officials.
13. The occupation bears full responsibility for some dangerous diseases that plagued among the released detainees, as a result of bad conditions that prisoners had experienced inside prisons , as well as the medication given to them, all that caused them bad health conditions after their release.

We Demand the Following:

1- Serious pursuit is needed to have Al-Ramla prison hospital closed and the need to force the occupation to transfer the sick prisoners to other hospitals for giving them a better health service.
2- To make the occupation provide medical care for sick and injured prisoners throughout the Israeli prisons according to the International law.
3- Prepare sick prisoners files, who were exposed to negligence in prisons or have had permanent disabilities and to send those files to International Criminal Court (ICC)
4- Force the prisoners' doctors to commit to practiced professional manners by medical institutes and syndicates and especially practiced by WHO and Doctors Without borders medical group, and to prevent those doctors from working or practicing under the occupation's law.
5- Examine all prisoners, particularly those who are over 45 years old, as well as, those who suffer from genetic diseases, cancer and hepatitis.
6- Conduct periodic tests twice of those who are 40 years old and those who spent 5 years in prison.
7- The necessity of providing ambulance vehicles to transfer the sick prisoners from the prison to the hospital.
8- Prepare medical form filled by prisoner's chronic diseases' lawyers to follow up their health status and to make sure that doctors follow up and work according to these forms when treating patients.
9- Work on releasing the sick prisoners with serious diseases that imprisonment is considered a very great risk to their lives.
10- Conduct medical surgeries to those who need surgery from a long time.
11- Provide needed medical equipment and medications.
12- In co-operation with Human rights group to provide assistive equipment, especially wheelchairs, crutches, glasses and artificial limbs.

(Statement is prepared by international Solidarity Campaign Supporting Prisoners and detainees in the Israeli occupation jails "TADAMON")

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Please recycle

Punitive Techniques against Detained Jerusalem Children

The Israeli occupation government uses those following retaliatory techniques against Jerusalemite children:

1. Detained with Criminals

The occupation authorities detain the arrested Jerusalemite children with Jewish criminal detainees, killers and drug dealers which is considered a serious danger on them. According to that, Jerusalemite child (ObaidaAmer), 16 years old, had to make an indefinite hunger strike protesting against his transfer from Al-Masqoubia police station to "Ofek" civil prison, and in January 2014, and when the child refused to enter into the civil prison they force him despite his well, which makes him run to a hunger strike .

When they detain children in prisons with criminals of Hasharon, Ramla, and Ofek) this means that there is a real danger on their lives, where their rooms are very close to the children's rooms. And in many cases they are vulnerable to criminals' insults and abuse.

The human rights activist Amjad Abu Asab says: Jerusalemite child's suffering doesn't stop at his arrest ,but child suffers after his arrest from many psychological problems, hair loss, and psychological trauma caused by his detention conditions, and inability of his parents' protection. Also he suffers from involuntary urinatio.

He pointed out that the children's situation with Israeli criminals whether in Ofeck criminal prison in Natanya, or Hasharon prison, aims to turn them into criminals who get lectures from counsellors and psychologist as Israelis detainees.
He stressed that many Jerusalemites children went to the bad track after being released, they have different interests and attitudes and also they are mentally different, unfortunately some of them becomes a thief or drug addict, and some suffer from severe psychological crisis .

2. Home Confinement

The occupation can turn your beautiful and peaceful house into a prison. And the most compassion people may turn into your jailers against their well, which breaches family stability and force the child to hate it, this saying is true and not imagination.

Amjad Abu Asab the chairman of Prisoners Families Committee of Jerusalem showed" that home confinement is the worst thing happen to Jerusalemite children, where they are deprived from movement and going to their schools. Also this pressure increases their aggressiveness, lack of trust in others and isolation from society. Noting that their detention conditions cause psychological problems which leads involuntary urination and hair loss.

The occupation uses home confinement policy a lot against children in Jerusalem , where they imposed over 55 home confinement on children and women during the year 2013 in Jerusalem , then during 2014, they imposed home confinement for 60 citizen in Jerusalem most of them are children . This policy has increased during 2015, where they imposed 65 ordered of home confinement on children only in Jerusalem.

Home confinement is divides into two types: The first one imposes on child to stay in his house and not getting out from it even to school. While the other type imposes confinement on him in his relatives houses away from his house and his neighbourhood. This one is more difficult than the other, where it dispersed family and imposes on the child a new life with people he is not familiar like his parents. Which causes lots of psychological, and social problems, especially if this home confinements for a long time.

Home confinement imposed by the occupation authorities on children affects them badly even after this house arrest, where it destroys them psychologically, because those children supposed to live with their life freely, playing with their peers outside, and complete their education normally. But this can't happen during the child's home confinement which

restricts his freedom and makes him complaining all the time, tense and hostile because he thinks that they are his jailers, where sometimes parents are forced to prevent him getting out fearing of other punishment the Israeli authorities can impose.

The Israeli police has imposed home confinement on "SaifGhalebRowadi, 11 years, at his house is Silwan until 30/6/2013,after detain him for hours in Salah Eldin police station. Where the child was arrested during his return from school to his house.

Furthermore, the occupation authorities has imposed home confinement on "Moslem MosaOdah" 13 years old, after being detained for two days in Al-Masqubia, and with home confinement for a month permitting him to go to school with an escort, and imposing a financial bail of 1000 NIS..

On 10/3/2015 the Israeli Magistrate's Court in Jerusalem imposed home confinement on six Jerusalemite children from AlThawry neighborhood for a weak, they are (Ashraf Hani Ghaith(14 years old), Mohammed Younis Abed El Razeq(14 years old) , Mohammed Khaled Abed El Razeq(12 years old), MoatazShobaki(13 years old), Marwan Ellewat(14 years old), Mohammed EL Talhmy(15 years old), in addition to pay a finance bail of 500 NIS and a third party insurance of 5 thousand NIS.

3. Home Confinement

Home confinement was not enough for occupation, they impose two punishments on them at the same time. Those punishments are confinement and from their house, which means, the child spends the confinement period in another house away from the family house. This sort of punishment causes double suffer on child and his parents, where a judicial decision from the Israeli courts imposes home confinement on child and force him to spend this period in another house away of his neighbourhood, which makes a great burden on his family where they have to be with him, not to mention the huge sums of money they sign in case of breaching home confinement laws .

Home confinement for children violates the International Declaration of children's' rights of 1959 , and the Child's rights convention in 1989 , which the two articles of 3 and 39 provide that " No child shall be subjected to torture or any other cruel treatment , or cruel or inhuman or insult punishment , and not to forbid any child from his freedom in illegal , or arbitrary way and the arrest or dentition or imprisonment of the child shall be according to law , and it shall be as a final resort and for a shortest propriety period of time.

On 3/7/2017 the occupation forces arrested the child "Tareq Abu Khalil " 15 years old , cousin of the martyr Mohammed Abu Khdair , and assaulted on him brutally , hitting him causing jaw fractures and wounded his face (picture attached), and on 6/7/2014 the judge of Magistrates Court decided to release him and to be away from his house in Shaufat neighbourhood for 15 days to Beit Hanina neighbourhood , as well as home confinement for 9 days , and imposed a financial bail of 300 NIS , in addition to third party of 10 thousand NIS.

The US State Department spokesman "Jane Basaky", stated that we should start fast, transparent, credible investigation, and complete accountancy on any excessive use of force.

In addition, she said "we can confirm that TareqKhdair, who is an American citizen, is being arrested by the Israeli authorities in Jerusalem. An official from US General Consulate has visited him in Jerusalem yesterday.

She added: "We are deeply concerned when we saw reports, that he had been severally beaten while he was with the police, and strongly condemn any excessive use of force. We call to start a fast, transparent, credible and complete accountability for any excessive force.

She continued "We confirm our sense of deep concern because violent events are increasing, and we demand all parts to initiate calmness and protect innocents.

4. Impose Financial Penalties

Besides imposing home confinement on children, the occupation imposes an exorbitant fine, where the occupation forces the child's family "Sohaib Al A'war " from Jerusalem to pay finance fine of 18 thousand NIS in cash, and sign to pay another 65 thousand NIS in case of breaching home confinement laws.He was deported to his grandmother's house in Al MOkaber Mountain for 4 months, where he lives in Silwan.

The central court in Jerusalem has imposed deporting and home confinement on the child " Mahran Al Ja'abary, (12 years old) from Jerusalem , and imposed as well as deporting and home confinement on the child "Shady Al A'war" , 16 years old , to Al Mokaber Mountain until the trial, after paying financial bail of 3 thousand NIS.

Amjad Abu Asab, the Chairman of the Prisoners Family Committee in Jerusalem, confirms that the occupation imposes financial fines on Jerusalemites within the economic strangulation policy that imposed on the Palestinians in the city, clarifying that the Israeli public prosecution recently demanded the Central Court to impose exorbitant fines up to one million NIS, which requires for a serious stand of Human Rights, legal institutions and the United Nation High Commissioner for Human Rights to stop the occupation's actions of this policy.

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Shadi Ghurab (15 years old) was detained when he was leaving school

Shadi was detained when the Israeli soldiers stopped him on Salah Eddin St. Shadi said "They forced me to go into the police station, started to beat me and put me in a dark room" he said he was taken to a dark corner within the prison and beaten badly, which left some marks on his body and caused him some damage in his two legs bones as a result of violent beating.

Four brothers were detained and investigated

The twins "Mohammed Al-Shwaikhi" and "Ali Al-Shwaikhi" were released with house confinement punishment for five days and a financial bail. Their brother "Faris" was imposed with house confinement, but their brother "Firas" is still in prison.

Their mother said that the Israeli occupation forces always break into their house after 2.00a.m. in a violent way, where it usually ends with detaining one of her children, where the last time they detained her sons, the twins: "Mohammed" and "Ali", they broke into the children's room and pointed their guns at Ali'shead.

The mother also narrated saying that the Israeli occupation forces did not allow her children to wear clothes and immediately detained them without wearing shoes or clothes, the occupation forces cuffed the children, blindfolded them and hit them in front of their family.

Their mother said that her son Mohammed was detained twice in a month, commanded him not to go to Al-Aqsa mosque, imposed 5 days house confinement, and forced him to sign on a financial bail of three thousand Shekels. She added that Mohammed was detained four times and his brother Ali was detained twice also.

"Sometimes, I find Faris crying for not being able to go out to buy ice cream" his mother said. His worries were all about if he got out of the house; the Israeli patrol will detain him.

His mother also said that after five months of detention, Faris became furious and he did not hesitate to break anything in the house. Faris tried to suicide once and his family reported to the judge in his attempt to ease the house confinement period, but the judge refused and insisted to make it longer.

"Laith Jamal Al-Husseini"

" In November,2015, the Israeli occupation soldiers broke into our house violently and they brought dogs with them to scare and frighten the children inside the house, who woke up as a result of soldiers' sounds and screams, then the soldiers cuffed me and threw me into their military vehicle" Laith said.

Laith added "they were beating me inside the vehicle till I passed out and later, they took me to Maskoobiah prison, they stripped me of my clothes, inspected me when I was naked and they investigated me day and night, hit each part of me, threatened me with demolishing my house, detaining members of my family, depriving me from using bathroom and depriving me from having food and drink".

The child"MohammedZiadZidani" 14 years old child

Mohammed said "I was detained by the Israeli Special Forces at 2.0 a.m., the soldiers sabotaged our house and took me to Maskoobia prison, chamber number 4.

On their way to Maskoobia prison, the military vehicle stopped for a while, they dragged me to the ground and started beating me violently and caused me fractures and bruises all over my body.

"At Maskoobia prison , I had all forms of torture and humiliation, where they forced me to bow on my knees, put my head between my legs with my hands cuffed to the back, blindfolded me and they left me this way for 4 hours. The investigation took 12 hours without allowing me to drink, eat or to use the bathroom"

The investigator forced me to make confessions of crimes by using the electric stick device many times, I couldn't bear the situation and I started to scream loudly out of pain.

" KathemFarajA'noos" 15 years old

Kathim said "I was detained in my house at 5 a.m. After the soldiers broke into our house, they cuffed me and took me to a near settlement in which I stayed for a long time out in a severe cold".

"At that settlement, a soldier wearing a shoe with an iron insole started beating me, which caused me horrible pain and bruises and later on, they moved me to Maskoobia prison, chamber 4."

"The investigation took 3 hours, in which they forced me to bow with my face against the wall, my hands cuffed to the back and they started beating me, punching my face with no stop, they caused me severe pain and I stayed there for 12 days.

"When I was in the waiting room in the court, one of the racist group of Hamashon started hitting my head to the wall and beating me to cause me pains, bruises and fractures."

"Shokry Mohammed ShokryHanash" 15 years old.
In October, 2015, he was surrounded by Israeli soldiers; they hit him with their guns and their feet till he couldn't stand on his feet. One of the soldiers grabbed him, cuffed him with plastic bands, and blindfolded him.
Shokry said he was moved to a military camp, in which he was thrown in a closed chamber and one of the soldiers started beating him violently with an electric cable on Shokry's back. His screams did not make the soldier stop and Shokry had marks on his body for 6 months due to the violence beating.

"Mohammed Waleed Abu Juma" 16 years old
In 9th of May 2015, many soldiers attacked Mohammed, hit each part of his body, one of soldiers with an iron glove punched Mohammed on his head and on his back causing him severe pains.

"Ashraf Hani Ghaith" 14 years old child from Jerusalem
Ashraf was detained in the 10th of May 2015. In Maskoobia prison, he was tortured by fixing him to a chair with his hands cuffed to the back. Three investigators punched him and hit him violently to force him to confess.
Ashraf said that two investigators pulled his arms strongly and with punching him on his belly and his face to cause him horrible pains, they interrogated him for 5 hours at many rounds.
In chamber 4 at Maskoobia prison, an investigator forced him to bow with his hands cuffed to the back and hit him brutally on his back in a way indicating that investigators were forming their own style of torture.

Jerusalemite children testimonies assures the following:

1- The Israeli occupation escalated their targeting and detention of children after the outrage that has started since October. The Israeli occupation has increased its crimes by burning children alive and a good example on this is "Mohammed Abu Khudair" in an attempt to suppress the outrage.
2- The Israeli occupation has been treating children in an abusive way represented in hatred against them, offending them and the bad way they treat children when detaining them.
3- The Israeli occupation ignores all the International laws which urges not to detain children or torture them.
4- The Israeli occupation tries to impose hard judgments on Jerusalem's children who are detained for throwing stones by modifying the penal code, which allows to impose imprisonment periods from 10 to 20 years.
5- The occupation state is using Jerusalem children as a tool in emptying Jerusalem from Palestinians by depriving children from their right to renew their IDs. This document is not given for those who were detained.
6- The Israeli occupation state has always been claiming to treat Jerusalem children as Israeli citizens holding blue cards, but when detaining the Palestinian children, no minimum rights are given or considered.
7- The Israeli occupation is trying to brainwash children of Jerusalem through giving lectures inside the prison, prepared by psychiatrics and psychology experts.
8- The Israeli occupation is trying to suppress the Palestinian patriotic essence within the children by torturing and offending children.
9- The Israeli occupation is trying to unsettle children's personality by imposing House Confinement punishment and by this punishment, the occupation state is trying to tell the children that their parents are like jailers.
10. The Israeli occupation state is practicing hard acts upon children to make those detained children as an example for other children to make them fear disobeying the Israeli occupation laws.
11. The Israeli occupation state has always been racist and differentiating between Palestinian children and Jewish Israeli children in rights and way of treatment.

Al-Khayyam Prison Victims Rehabilitation Center, Solidary institute and the Palestinian prisoner center for studies demands the world and the International institutes to intervene immediately to help protect Palestinian children, to provide them social and psychological support (whether in prison or out prison) and to help release all detained children from Israeli prisons.

International Solidarity Campaign Supporting Prisoners and detainees in the Israeli occupation jails "TADAMON", an NGO without consultative status, also shares the views expressed in this statement.

United Nations A/HRC/31/NGO/33

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Human Rights Council
Thirty-first session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[05 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Please recycle

Arresting Palestinian Jerusalemite Children

The Israel occupation has arrested about 450 child whose ages are less than 18 years old, those arrested children are from the West Bank and Jerusalem's villages and towns. The number of arrested Jerusalemite children are 120 children and they are 26 % of the total number inside the Israeli prisons. In 2013 the arrested Jerusalemite was 23 child, in 2014: 37child and in 2015: 70 child.
Among the detained Jerusalemite children, 45 of them are convicted and 71 are detained by the Israeli Defense Minister command, where4administrative detention decisions were issued in October of the last year against 4 children: " Fadi Hassan Abbasi" 17 years old, "Mohammed Saleh Ghaith" 17 years old, "KathimSubaih" 17 years old and "Mahmoud Shadi Hashelmoon" who was transferred to administrative detention for 6 months. The three children "Mahmood Saleh Ghaith","KadithSubaih" and "FadiAbbasi" were released after they finished their convection
During the last quarter of the last year, the Israeli occupation escalated their targeting and arresting children in Jerusalem, where 10 children were daily exposed to administrative detention; some of them were investigated for hours and even for days.

A rising of administrative detention was noticed, where children detention that are less than 18 years old in Jerusalem in 2013 was raised to 380 cases. In 2014, the number of detained children was raised to 600 cases and in 2015 it was raised to 800 cases.

The youngest one of those who were detained in Jerusalem was "ObaidahMohsinAAish" less than 7 years old and among them the sick child "Mohammed Abd-ElhaiAzzeer" 13 years old child from Jerusalem, who suffers cardio diseases and who is considered as a child with special needs.
In a unique case, the occupation forces broke into the house of the child "Hamza HazimZidany" 2 years old child from Silwan, when the occupation forces discovered that he was only two years old, they released him.
A use of excessive force is noted during children's detention, where these forces are loaded with guns and their faces are covered, they broke into the house in a barbaric way kidnapping the child from his house, beating him violently and throwing him into a military vehicle.

The Israeli procedures forces the child's family to commit itself not to break the imposed judgment, and in case the child breaks the judgment, his parents will be detained and will be forced to pay a big bail and also the child will be detained once again with one of his parents.
Specialists referred to a future threat in what regards Jerusalemite children's detention, in which a child's future path is threatened and the child will be deprived from renewing their identity cards in 10 years , because the Israeli Interior Authority demands everyone who wants to renew their ID to bring a Good Conduct Document ,where the child if deprived form getting his ID card if they found anything in the child's history rejected by Interior demands. Doing such a thing, the Israeli government is trying to establish an idea targeting Jerusalem's children and to empty Jerusalem from its original residents.

Targeting Jerusalemite Children Escalation
The detention of Jerusalemite children has risen up in the last three months of 2015 after the Palestinian national uprising started in the last October due to the attempts of breaking into the Al-Aqsa mosque and due to the random punishments against the Palestinians in Jerusalem, where 800 children who are less than 18 years old were detained, among them 35 children who are less than 12 years old and the youngest one is "Mohammed Nader Abu Ramila" 8 years old.

A Knesset member presented a new law proposal which allows detaining children less than 14 years old, where the current Israeli law does not allow to occupation forces to detain anyone who is less than 14 years old, so this new law proposal was approved by the Knesset.
In a new arbitrary decision, the Israeli occupation authority stressed the imposed punishment on children who are accused of throwing stones. In the past, the punishment used to be from 3 months to six months for those who throw stones and did not hurt any soldier, but it can be years for those who caused harm to any soldier.
Speaking of the new law, the punishment for those who throw stones without hurting anyone will be from three years to ten years and for those who hurt anyone, their punishment will be more than 10 years, referring to a new unit

established by the Israeli forces and this unit is only responsible for tracking those who throw stones and detaining them.
The Israeli Knesset presented a new law in the last August, which imposes an imprisonment punishment up to 10 years on anyone who tries to throw stones on any military patrols or any civil patrols without proving the intention and the punishment then is up to 20 years.
Sometimes, the Jewish settlers kidnap Jerusalemite children, a good example on this is "Mohammed Sa'idOwayda" who suffers from diabetes, he was kidnapped in 26thJanuary 2015 by Jews pretending to be Palestinians while he was playing football in Shu'fat in Jerusalem, they hit him violently.

"Ahmad Jihad Owayda" 15 years old child remembers those moments when the Israeli forces broke into his house saying: "The Israeli forces broke into our house at 4 a.m. in a barbaric way when I was sleeping, I woke up hearing the noise, I was arrested and led to an isolated room. After 3 hours staying in that room, I spent 2 hours and a half under investigation".
Ahmed also added "I felt stress and fear because this is my first time I've been detained. I was affected by my mom's screams and cries". After hours of Ahmed's being alone without being with any one of his family as the Israeli law says , he was released with a financial fine of 3 thousand Shekels without being seen before the court.
In 16th of March 2015, Jerusalem's Magistrate Court judge issued a judgment to release the 15 years old child "Laith Khaled Jamal Husseini" after falsifying the fabricated charges claimed by the Israeli police and the Israeli prosecutor. This incident is considered as an evidence of the Israeli lies and claims during 6 months detention.
Laith was released after spending 6 months in the Israeli prisons, where he was arrested in the 13th of September, 2014, when he was crossing Shu'fat check point, where he was badly beaten and offended by the checkpoint soldiers and later on, the Israeli authorities accused him of throwing stones.

Injured Children Detention
The occupation forces continued their crimes series in detaining children after shooting them, causing them injuries, detaining them and moving them to hospital. After few days, they are transferred to prison without considering their bad health conditions.
In the 8th of October, 2015, a Jewish settler near Pisgatzi'ev settlement, shot two children "Ali EhabAlqam" 11 years old and his cousin "MuawiaAlqam" 14 years old, where Ali was injured with three bullets. He and his cousin were transferred to "Hadasa Ain Karm" hospital.
Ali Alqam is considered the youngest prisoner in the world; Ali had two surgeries for bullets removal from his belly, where he was transferred after a month to a closed internal prison located in the 48 occupied region without setting a detaining period under the Israeli police supervision and social affairs office following up.
In 12/10 2015, the Israeli occupation forces shot fire intensively against the two children "Hassan Manasrah", 15 years old and "Ahmed Manasrah", 13 years old. This led to Hassan's death, where Ahmed was injured with dangerous wounds and the Israeli forces left him bleeding for two hours before he was detained and transferred to hospital.
A video shared by people over the social media showing one of settlors cursing Ahmed while he was bleeding on ground, where he said to him "Die ...Die" with many offences and bad language against him and his family.
Ahmed Manasrah was detained in Hashroon prison after he was transferred from the hospital with older convicts, who threatened him.

Maskoobia Detention:
Most of Jerusalemite detained children were transferred to Maskoobia Prison in Jerusalem, in which children are investigated in bad conditions without permitting their parents or their lawyers to meet to threaten them and to use all forms of pressure to make them confess the crime he did not commit, which are mostly throwing stones on soldiers and military vehicles.
Since the second Intifada, the occupation state has been working through actions and organized strategy against detained Jerusalemite children, some of these actions are: long time trials, torture during investigation, banning any medical care and depriving children from their right to learn.

International Solidarity Campaign Supporting Prisoners and detainees in the Israeli occupation jails "TADAMON", an NGO without consultative status, also shares the views expressed in this statement.

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Agenda item 8
Follow-up and implementation of the Vienna Declaration and Programme of Action

Written statement* submitted by the Modern Advocacy, Humanitarian, Social and Rehabilitation Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[08 February 2016]

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GE.16-02280(E)

Please recycle

Facing the Anthropological Obstacles that deter the Universality, Indivisibility, Interdependence and Interrelatedness of all Human Rights

Introduction

Amidst countless critical postulates, cultural relativism seems to inflict the most dissuasive smear on the UN Charter's adjudication over the universality of human rights. The cultural relativist debate has severely undermined the affirmation of the Vienna Declaration and Programme Action of the World Conference on Human Rights with regards to the universalism, indivisibility, interdependent and interrelatedness of all human rights. There is thus need to address the pending hurdles within the cultural relativist context, acknowledge some already instituted processes that have dealt with the problems and propose a demographic merger dynamics on the human rights particularities within different zonal ethics across the globe.

In the limelight, the grasp on human rights universality is mostly centralized on the varying interests of concerned stakeholder parties. These include the International community, the Sovereign Nation-State as a compliant subject of the former and having its diverse cultural groups under its protection; individual cultural entities as subjects to the international and State level norms; as well as human persons acting as the final subjects to all mentioned but most especially to the local communities' and/or cultural groups' traditions. In such a complex merger framework, there is therefore need for a demographic restructuration on the implicit meaning of 'human rights universalism' in order to fully address 'fairness and equality' with regards to the needs, values and desires of the human person seeking happiness within his/her entourage and beyond.

The Scope of Human Rights Universalism

At the International Community Level. Article 1(3) of the United Nations Charter indicates one central purpose of the UN as that of 'promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.' Though an obvious weakness is noticed in the fact that the Universal Declaration of Human Rights is much more of a declaration than an internationally binding agreement, dominant opinions in public international law from a socio-political point of view have expressed a visionary multicultural or pluralistic inclusiveness, interrelatedness and interdependent contexture within the UDHR with a plea for a world with more dignity and respect for human beings. This is affirmed by the World Conference on Human Rights, through the Vienna Declaration and Programme of Action. In fact, the 1948 take-off cosmopolitan visionary scope of the UDHR was actually concretized via numerous regional instruments such as the Covenant on Economic and Cultural Rights; the Covenant on Civil and Political Rights; the Convention on the Prevention and Punishment of the Crime of Genocide; the Convention on the Elimination of all Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment; and the Convention on the Right of the Child.

Within Nation-States. The universality scope of human rights suffers countless derogative interpretations within State constitutionalism. Though States duly inscribe human rights universalism as a supreme norm within their constitutional dispositions, the worry remains at the level of the enforceable mechanisms instituted to ascertain such a universalistic scope over their national territorial limits. This is assessed at the level of ineffective executive follow-up and adjudication procedures put in place. For example, within Africa, Asia, Middle East and Latin American countries, it is noticed that a majority of them have duly inscribed the universalism contexture of human rights within their sovereign governance norms but it is rather very pitiful and a common knowledge to still notice that these very Nation-States have not enacted any strict accompanying penal legislations within their repressive systems. Most often, the burden to address human rights issues is left within the limited competences, resources and reach of local NGOs.

Human Rights Universalism and State Level Elitism

Elitism at a State level is considered as the belief that government or control should be in the hands of a small group of specially qualified, privileged, wealthy, or intelligent people, or the active promotion of such a system. Since this term is nurtured within the premise of another connotation such as dignity and driven in the direction of pride, honor, and high rank or distinguished human positioning, the equality factor worth within the value of human rights universalism is streamed-off and the superiority of some groups of people over others considered. In our world today, traces of the historical phenomenon of dignifying elitism are experienced within almost every system. For example,

when processing the development and implementation of human rights instruments, the procurement of only more enlightened and qualified personnel brings in an obvious inequality. Assuming that other human beings are inapt or not academically sound to actively participate during such proceedings, to a large extend, voids the universalistic scope and reach of the human rights. At the State level today, elitism and ethnicity have developed into a parallelism framework with very severe adverse consequences on human rights universalism. In most Middle Eastern countries, religion has become the disguised pejorative monster behind an ethno-elitism incursion on the human rights universality within the zone. Specifically misguided by the Islamist or other denominational religious extremist elites within the republics, ethno-elitism based on the support and qualification of one religious system over the other, subterfuges an incorporated problematic and stereotyped version of multicultural politics that affirms the difference of cultures rather than emphasizing on commonalities and cooperation. This seriously builds in an ultimately paternalistic racist politics over non-elite religious groups and so requires a serious redress.

The Cultural Relativist Hurdle within Human Rights Universalism

The emergence of contemporary human rights regimes over the last fifteen years quickly strained the capacity of existing socio-cultural theory orientations to explain a number of variant issues: how human rights relate to other transnational normative framesets; the disjuncture between the universalism which anchors the idea of human rights concepts within modest scales in which ancestral cultural systems and modern socio-cultural actors coexist as part of preexisting legal and modern ethical configurations; the relationship between the epistemology of human rights practices and the social ontology in which they are necessarily embedded; the impact of human rights discourse on alignments of political, economic, and other forms of power, alignments which predated the rise of the international human rights system in 1948 and which are motivated by an entirely different set of ideological and practical imperatives. In certain cultural perspectives, individual rights systems vary so much. For example, there are cases wherein living in social relationships does not only mean having rights, on the contrary, a greater portion of responsibility and duties towards each other and the community is understood to be constituent components of the essence of being human.

Conclusion

In reflection, though the World Conference on Human Rights, through the Vienna Declaration and Programme of Action,[1] makes it clear that the international community must treat human rights globally in a fair and equal manner, while, the significance of national and regional particularities and various historical, cultural and religious considerations must be borne in mind, and so, granting individual States the duty to promote and protect all human rights and fundamental freedoms, we can still perceive a shortcoming at the level and scope of the 'fundamentality' to be addressed by States. In a pragmatic address to follow-up the deterrent obstacles in the subject matter, major notes can be upheld within the following points:

1) Understood that pejorative ethno-nationalist and egoistic protective cronyism of the ruling class and ethnic groups, make nationalist agendas systematically and tacitly construed to deny or neglect all stances for punitive legislations within the universal scope of the human rights, there is further need to produce and promote conventional obligations which truly empower local citizenry access to both speedy national and international justice mechanisms against the country power detainers. In fact, Nation-States need to inscribe firm legal standing recourse procedures and repressive legislations for the UDHR that are fully enforceable within the politico-legal armpits of their Sovereign territories.

2) The knowledge of universality, indivisibility, interdependence and interrelatedness of the human rights seems to be very unpopular within national and local milieus. In fact, if national laws fail to uphold strict and repressive applicability of human rights because their authors lacked the will or expertise to interpret the human rights universalism paradigm, therefore, cultural interpretations of same will heavily mislead and soil the contextual origins. In addressing this, both national and local justice systems need to obtain profound knowledge on the universality, indivisibility, interdependence and interrelatedness of all human rights.

The dispositions of the universal declaration of human rights are dictated as inclusively interwoven and inseparable in a world of limitless cultural variations and human wellbeing understandings, however, a better

[1] Vienna Declaration and Programme of Action, as adopted by the World Conference on Human Rights on June 25, 1993. UN Doc. A/CONF.157/23, Part I, para. 5.

achievement of such a utopic dictum will entail an assessment of the various cultural understandings on how different people or target human rights subjects perceive and will understand and implement the phenomenon as it be.

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Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[08 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02297(E)

Please recycle

Bahrain: A Government who's killing its children as a profession

The local and international bodies expressed its profound dissatisfaction of the breach of the Bahraini government's international obligations that it concluded before the international community, including the Convention on the Rights of the Child.
This breach resulted in repressive policies carried out by this government and has produced serious violations striking the children category with flagrant losses which lead to the deprivation of 49 Bahraini children and foetuses from their right to live through the deliberate or extrajudicial killings.
These 49 murdered children are subjected to the custody of the Bahraini government by law and their right according to the custody is to be provided with the required protection, but the government did not take the necessary measures which ensure the rights of these children from illegal targeting.
The procedures of the loss of these children to their rights to live have varied. Some were wounded by bullets or shot fission "shotgun" that are internationally forbidden, some died due to torture by the law enforcement agents or by run over by cars and others by the inhalation of tear gas through throwing them in tight places and without ventilation, especially foetuses.
The Bahraini Penal Code came clear in determining the punishment of murder with premeditation and observation in which it stipulated in its Article 339 on the penalty death while the law specifies in the same article the penalty of murder for life imprisonment and gave the offense beating leading to death in article 336 a penalty of seven years Prison only.
Parts of the law enforcement forces of the Bahraini government were involved in exposing these children to arbitrary, punitive and extrajudicial measures which lead to the loss of their lives, in which exposes them to a judicial accountability.
Bahrain's government has failed to fulfil these legal procedures due to the absence of punishment, which constituted a breach of the rules because of the debilitation of justice system in Bahrain and its falling under the command of authorities which renders it accountable before international law and the international criminal courts.

List of dead children and foetuses

1-Name : Ahmed Shamas
Age : 16
Date of kill : 30 / 3 / 2011
Cause of kill : extruded firearm

2-Name : Ali Jawad Ahmed Al-Sheikh
Age : 15
Date of kill : 31 / 8 / 2011
Cause of kill : extruded firearm

3-Name : Ahmed Al-Qatan
Age : 17
Date of kill : 6 / 10 / 2011
Cause of kill : lead fission

4-Name : Ali Youssef Hassan (Ibrahim Badah Al-Akbar)
Age : 16
Date of kill : 19 / 11 / 2011
Cause of kill : run over by car

5-Name : Hashem Said Issa Hassan
Age : 15
Date of kill : 31 / 12 / 2011
Cause of kill : extruded firearm

6-Name : Hussam Mohammed Al-Haddad
Age : 16
Date of kill : 17 / 8 / 2012
Cause of kill : lead fission

7-Name : Ali Hassan Neemeh
Age : 17
Date of kill : 30 / 9 / 2012
Cause of kill : lead fission

8-Name : Alia Bass Rida
Age: 16
Date of kill : 9 / 11 / 2012
Cause of kill : run over by car

9-Name : Hassan Ali Ibrahim Al-Jaziri
Age : 17
Date of kill : 14 / 2 / 2013
Cause of kill : lead fission

10-Name : Mahmoud Mohsen Ahmed
Age : 15
Date of kill : 21 / 5 / 2014
Cause of kill : lead fission

11-Name : Mohamed Abdul Hussein Farhat
Age : 6
Date of kill : 30 / 4 / 2011
Cause of kill : tear gas

12-Name : Yassin Jassem Al-Asfour
Age : 11
Date of kill : 20 / 1 / 2012
Cause of kill : tear gas

13-Name : kassem Habib Jaafar Marzook
Age : 8
Date of kill : 26 / 1 / 2013
Cause of kill : tear gas

14-Name : Ali Jaafar Habib
Age : 12
Date of kill : 8 / 8 / 2013
Cause of kill : tear gas

15Name : Ali Ibrahim Al-Dimistani
Age : 17
Date of kill : 13 / 3 / 2011
Cause of kill : run over by car

16-Name : Sajida Jasem Al-Osfour
Age : 0.1
Date of kill : 11 / 12 / 2011
Cause of kill : tear gas

17-Name : Zeinab komayl
Age : fetus
Date of kill : 16 / 3 / 2011
Cause of kill : deprivation of treatment

18-Name : Joud Hussein Matrouk
Age: fetus
Date of kill : 4 / 9 / 2011
Cause of kill : tear gas

19-Name : Fatima Abass Al-Samie
Age : fetus
Date of kill : 29 / 10 / 2011
Cause of kill : tear gas

20-Name : kassem Abdul Mahdi Ahmed
Age : feus
Date of kill : 4 / 12 / 2011
Cause of kill : tear gas

21-Name : Yehya Youssef Ahmed
Age : fetus
Date of kill : 5 / 3 / 2013
Cause of kill : tear gas

22-Name : Fadak Habib Nasser Mushaimee
Age : fetus
Date of kill : 27 / 3 / 2012
Cause of kill : psychological factor

23-Name : Hawraa Mohamed Said
Age: fetus
Date of kill : 29 / 3 / 2012
Cause of kill : tear gas

24-Name : Hussein Ahmed
Age: fetus
Date of kill : 13 / 4 / 2012
Cause of kill : tear gas

25-Name : Ali Youssef Hassam (Ibrahim Badah Al-Asghar)
Age : fetus
Date of kill : 20 / 4 / 2012
Cause of kill : tear gas

26-Name : Yasser Mahdi Al-karani
Age: fetus
Date of kill : 4 / 5 / 2012
Cause of kill : tears gas

27-Name : Rida Hani Mohamed
Age : fetus
Date of kill : 7 / 5 / 2012
Cause of kill : tear gas

28-Name : Hussein Hamza Sabil
Age : fetus
Date of kill : 16 / 5 / 2012
Cause of kill : tear gas

29-Name : Batoul Mohamed Sadek Abdul jalil
Age : fetus
Date of kill : 6 / 6 / 2012
Cause of kill : tear gas

30-Name: Mohamed Baker Abdul Hussein
Age : fetus
Date of kill : 22 / 6 / 2012
Cause of kill : tear gas

31-Name :Hassan Issa Hashem
Age: fetus
Date of kill : 26 / 6 / 2012
Cause of kill : tear gas

32-Name : kawthar Ali Hussein
Age : fetus
Date of kill : 3 / 7 / 2012
Cause of kill : tear gas

33-Name : Mohamed Youssef Abdul Wahab
Age : fetus
Date of kill : 5 / 7 / 2012
Cause of kill : tear gas

34-Name : Ali Youssef Abdul Wahab
Age : fetus
Date of kill : 5 / 7 / 2012
Cause of kill : tear gas

35-Name : Mohsen Atiya Al-Nakal
Age : fetus
Date of kill : 6 / 8 / 2012
Cause of kill : tear gas

36-Name : Mohamed Jawad Ali Farhan
Age : fetus
Date of kill : 6 / 8 / 2012
Cause of kill : tear gas

37-Name : Wadia Moeness Abass
Age : fetus
Date of kill : 26 / 8 / 2012
Cause of kill : tear gas

38-Name : Mohsen Jaafar Ashour
Age : fetus
Date of kill : 3 / 9 / 2012
Cause of kill : tear gas

39-Name : Zeinab Ibrahim Fatil
Age: fetus
Date of kill : 7 / 9 / 2012
Cause of kill : tear gas

40-Name : Ali Hassan Ghanem
Age : fetus
Date of kill : 11 / 9 / 2012
Cause of kill : tear gas

41-Name : Hoda Al-Sayed Neemeh Hassan
Age : fetus
Date of kill : 15 / 10 / 2012
Cause of kill : tear gas

42-Name :Mohammed Hassan Ali khalifa
Age: fetus :
Date of kill : 30 / 10 /2012
Cause of kill : tear gas

43-Name :Mohsen Jaafar Nassif
Age : fetus
Date of kill : 1 /11/2012
Cause of kill : tear gas

44-Name : Zeinab Abdul Hadi Fardan
Age : fetus
Date of kill : 24 / 12/ 2012
Cause of kill : tear gas

45-Name : Mohamed Al-Dery
Age : fetus
Date of kill : 17/ 2 / 2013
Cause of kill : tear gas

46-Name : Ali Al-Dery
Age : fetus
Date of kill : 17 / 2 / 2013
Cause of kill : tear gas

47-Name : Haidar Ali Mohamed Habil
Age : fetus
Date of kill: 27 / 2 / 2013
Cause of kill : tear gas

48-Name : Mohamed Abdul Hadi Ali
Age : fetus
Date of kill : 18 / 3 /2013
Cause of kill : taer gas

49-Name : Hawraa Youssef Omran
Age: fetus
Date of kill : 18 / 3 / 2013
Cause of kill : tear gas

The Bahrain Forum For Human Rights, an NGO without consultative status, also shares the views expressed in this statement.

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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

The Health Situation in Israeli Prisons: Prisoners are Field Tests

What distinguishes the Israeli occupation with prisoners is the obvious hatred on those prisoners considering them as terrorists who don't deserve this life, so you can imagine what this jailer do such violations against those prisoners, even they reached to the worse level to undergo a surgery to prisoners without anaesthesia.
So the medical negligence policy has become a programmed and approved policy by the Prison administration, where the number of sick prisoners has reached more than (1200 prisoners) who are suffering from various illnesses, including serious diseases of infected kidney disease, cancer, diabetes, heart disease, paralysis and vision loss.
There are many cases of neurological and psychiatric diseases, and a number of wounded and amputated hands, feet and legs prisoners and all of them are not receiving adequate health care.

The medical negligence led in some cases to many sick prisoners' death, where the last prisoner who died is "" Raed Abdel-Salam Al-Jabari, "35-years, who lived in Al-Ra's town in Hebron, in Eshel prison after his health deteriorated.
Prisoners are aware of prison administration and the Israel's General Security policy which is based on "Slow death penalty policy" as what happened with the martyr Maysara Abu-Humeida", he died because he wasn't treated nor presented to a medical specialized committee to decide or recommend releasing him. The same happened also with the martyr Arafat Jaradat, who died through physical torture during interrogation.
The Israeli prison administration violates the international conventions related to medical and health care for sick detainees, especially Article (92) of the Fourth Geneva Convention, which provides that: "Detainees should be subjected to medical examination once a month, aiming to monitor the detainee's health status, nutrition ,and hygiene, as well as discovering infectious diseases. Furthermore, this examination includes checking detainee's weight and radioscopic examination visits at least once a year. ".

As a result of intentional medical negligence, the number of prisoners' movement martyrs reached to (55) prisoner at the beginning of 2016 which represents 25% of the total number of prisoner movement martyrs who are (207). The last martyr of this movement was Fadi Ali Ahmed Elderbi (30 years) from Jenin. He died in 14/10\2015 because of intentional medical negligence against him.

In addition to dozens of released prisoners who got martyrs after few weeks or months of being released from prison .the last prisoner was Ja'afar Ibrahim YousifAwad (22 years) from Beit Ommar in the north of Hebron. He was killed in the intensive care department in El-Mezan hospital in Hebron on 10\4\2015.

The most important forms of intentional medical neglect as follow:

1. There are a recurring medical carelessness, procrastination, no surgery for sick prisoners. When the sick prisoner colleagues protest, the occupation take him to hospital.
2. There aren't specialist doctors inside the prison such as an ophthalmologists, dentists and ENT doctor.
3. There are no doctor who work at night shift for emergency cases in prisons clinics.
4. There aren't supervisors and psychotherapist because of troubled psychological cases which need special treatment.
5. There aren't isolation rooms for sick prisoners who have contagious diseases such as severe viral enteritis and scabies which spread rapidly between prisoners because of crowding inside prisons.
6. There aren't special rooms for prisoners who suffer from severe psychological diseases which threaten the lives of their roommates.
7. There isn't actual examination for sick prisoners. Doctors talk and treat them behind the nets of doors.
8. There are punishment measures against prisoners which increase the deterioration of their psychological conditions. There are a denial from visits, sudden searches at night, solitary confinement cells and forcing prisoners to take off their clothes.
9. There isn't a specialist for women prisoners. There is only a general practitioner especially if they knew that there are pregnant women in prison who need special medical care.

10. The pregnant prisoners are forced to give birth with tied hands without caring for pains of childbirth. This exactly what happened with MervatTaha from Jerusalem who delivered her child Wael in prison while her hands were tied on her bed. Also, the prisoner Manal Ghanem from Nablus and her child Nour. In additionally, Samar Sbeeh and her child Baraa from Gaza.
11. Give prisoners expired medicines.
12. There is a delay in transferring injured people to hospitals until they die and they are left without treatment.
13. There is Al-Ramla hospital, which is the only hospital for sick prisoners. It lacks to the medical and health basics. It doesn't differ from prison in its measures and cruel treatment to prisoners. There are more than 19 sick prisoners for many years permanently.

Prisoners are used as lab rats

It was not only about medical negligence, but it extended to make a crime by using prisoners as testing ground to experiment some medications, Dalia Isiac, a Knesset member and an Israeli Parliamentary science committee member, revealed in July, 1997 (before 8 years) that there were tests on a thousand case was made to experiment dangerous medications and those annual tests were made on Palestinians. Dalia added that she had about a thousand permit in her office, rather than those permits given by the Israeli Health Ministry, were given and approved to make a thousand tests on Palestinians prisoners.

Amy Liftat, the head of medication section in the Israeli Health Ministry, revealed before the Knesset during the same session that there was an increase of 12% in the amount of permits to make more dangerous tests on Palestinians prisoners every year.
The released prisoner "AbdAlhakimHanini", one of those who were released in the agreement of "Devotion of the free", during the TV program "A witness on this century" at Al-Jazeera TV channel, said that the Israeli medication companies used to make experiments on hundreds of Palestinian patients referring to the fact that many Palestinian prisoners had many diseases due to the effect of medications were given to them, some of them had cancer others had their hair lost.

AbdAlhakim said "Doctors inside prisons were a part of the investigation and torture imposed on Palestinian prisoners who were moved to Israeli hospitals for treatment". He described Ramla prison as a "cemetery". AbdAlhakim said that one of prisoners " Mohammed Abu Hadwan", an old man was sentenced to prison for life, who passed away because of diseases and later his body was handed to his family while he was cuffed in a black plastic bag.
The martyr "Shadi Al-Saida" was detained in a healthy state and after two years of imprisonment, he died because of a medication given to him in prison.

Doctor Jailer
Torture is not only acted by investigators and soldiers, it is also acted by doctors, nurses and the rest of workers in prison.
The doctor who is responsible for checking and examining prisoners knows very well their diseases and how crucial they are. The doctor knows that the sick prisoners need necessary surgeries and treatment, but he refuses to do his job and by this he follows his partners of soldiers and investigators in making more pressure on prisoner and the doctor also writes false medical reports to blackmail prisoners and to ensure there is no chance for them to go out or be released.
What is mentioned previously happened with the prisoner "Ibrahim Al-Jamal" who lost his sight and his ability to speak, at the same time, his health status was deteriorating and becoming worse. To ensure that this prisoner would not be released, the doctor of "Aishel" prison made a false medical report saying that Ibrahim's health was good and at the end of the day, the court refused to issue a release for Ibrahim.
The doctor at Ramla prison made a false report against the prisoner "Mo'tasimRaddad", who suffered cancer. In the report, the doctor claimed thatMo'tasim refused to undergo while the prisons service was ready to treat him, then the court refused to release Mo'taism.

The immoral actions made by doctors in prisons
Treating Palestinian prisoner as a vandal terrorist and does not worth the humanitarian way of treatment like the rest of human-beings, this is noticed in the racist and hatred towards the prisoner by offending them with the worst language and curses during treatment. Besides this, doctor wears a military suit, where the prisoner cannot find any difference between soldiers, investigators and doctors.

Doctors of prisons hide the torture marks on prisoner's bodies before seeing by court and before the arrival of any delegation of Red Cross or Human Rights groups.
Prepare a particular form of prisoner's fitness in which the doctor allocates the weaknesses in the prisoner's body to make it easy for investigators to press on prisoner to force them make confessions.

International Solidarity Campaign Supporting Prisoners and detainees in the Israeli occupation jails "TADAMON", an NGO without consultative status, also shares the views expressed in this statement.

United Nations A/HRC/31/NGO/37

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Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[08 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Lebanese Human Rights Organizations: Call the Lebanese Government to implement the UPR recommendations

Khiam Rehabilitation Center for Victims of Torture on behave of the Lebanese non-governmental organizations (NGOs) and the follow up committee would like to bring to the attention of the Human Rights Council (HRC) specific concerns with regard to Lebanon's commitment under the Universal Periodic Report (UPR). The written statement hereby would aim to remind the HRC on the current human rights situation in Lebanon and the need to implement recommendations submitted by member states of this honorary Council.

Regarding **delays in reporting to the UN treaty bodies**, our organizations regret that Lebanon's representative to the review session did not present valid justifications for such delays. We believe that it is not a good practice for the Ministry of Foreign Affairs to continue due responsibility for reporting to UN mechanisms. A clear division of responsibilities within the government could contribute to improving the reporting practice to UN. Such practices need also to incorporate the need for national consultations with national stakeholders to increase the participation of civil society. The undersigned organizations urge the Lebanese government to accept the recommendations submitted during the 23rd session of the Universal Periodic Review on Lebanon. The Lebanese government should increase its commitment to international human rights principles by taking part to international human rights conventions, in particular the International Convention for the Protection of People from Enforced Disappearances, and the International Convention with regard to People with Disabilities.

With respect to the **situation of torture** in Lebanon and the progress with regard to torture prevention in Lebanon, our organizations would like to point out of the increase in trends of torture in Lebanon during 2015 and the stagnation at the level of the progress with regarding to the criminalization of torture. Our organizations acknowledge the progress at the level of the Lebanese parliament with regard to the criminalization of torture and the different committees established aiming at the prevention of torture. We would like to point out that the creation of bodies with a monitoring mandate within the Ministries of Justice and Interior are welcomed stepsbut we highly encourage transparency in their operations and outputs. Nonetheless, the creation of these committees such as the Committee against Torture within the Internal Security Forces (ISF) or others, should not justify the delay in establishing a National Prevention Mechanism (NPM) in accordance with obligations under the Optional Protocol of the CAT. Our organizations emphasize that the NPM is an independent monitoring body and a necessary complement to internal monitoring mechanisms. We highly urge the government to commit to a timetable for the establishment of the NPM.

On the **capital punishment**, our organizations regret that the Lebanese delegation has rejected all recommendations. We urge the government of Lebanon to reconsider and sign the Optional Protocol to the International Covenant on Civil and Political Rights. Lebanon has been adopting an informal moratorium since 2004; the adoption of General Assembly Resolution on the Moratorium on the Death Penalty would be a positive step to formally enforce the steps taken by Lebanon. We are particularly concerned about death penalties issued by the Military Tribunal, which does not adhere to international fair trial standards. The Lebanese government is in breach of international human rights law for allowing the Military Court to continue adopting non-military tasks and try civilians.

The Lebanese government needs to promote systems insuring the respect for the **guarantees of fair trial** such systems ought to include the access to lawyers during investigations, the access to medical care and translation. Lebanon should amend legislations with regard to Judicial Council, reforming the process of referral to the tribunal but most importantly insuring that the tribunal incorporates the right to appeal the right to multi-level procedures.

Our organizations are in particular concerned about the recent excessive use of force against demonstrators, that undermined the **right to peaceful assembly**, and would call the Lebanese government and the HRC to establish an independent inquiry commission to investigate police practices and hold perpetrators accountable in front of a fair and impartial tribunal.

With respect to the **rights of women**, our organizations would like to reflect to the Lebanese government the need to amend current constitutional texts allowing equality between men and women on issues related to nationality and the

transfer of nationality. Protection of women against domestic violence should remain on the prime agenda of the Lebanese government especially tat current legislations still lack protective elements such as the criminalization of marital rape and child custody. Such changes would be better enforced following the promulgation of personal status law that satisfies the principles of equality and non-discrimination among women and men and among individuals from different religious affiliations.

The submitting organizations would like to point on the need to develop better frameworks for the fulfilment of the rights of victims of **enforced disappearances.** Such framework should guarantee the right to know to families of the disappeared and other people of concerns. Although the Lebanese judiciary has provided families with the access to investigations completed in the past, the Lebanese authorities should employ all available measures to guarantee the right to know and to discover the whereabouts and the fate of disappeared persons. The Lebanese government should provide a timeframe with regard to the establishment of bio-data bank in coordination with the families of the disappeared and the ICRC. The government and the Lebanese parliament should provide a timeframe with regard to the establishment of the National Commission for Protection of People from Enforced Disappearance.

The **freedom of association** has witnessed great challenges in the past years, our organizations would like to remind the HRC of the right of public sector employees, migrant workers, and refugees to establish unions and syndicates in line with ILO conventions and standards.

Our organizations would like to point out that current measures adopted on **refugees** in particular Palestinian refugees and refugees from Syria result in shrinking space for protection. It is important to mention that the Lebanese society is surely overwhelmed by the strength of the humanitarian crisis unfolding on Lebanon and would like to remind the international community through the HRC of the need to develop more efficient measures ensuring proper solidarity with Lebanon. On the other hand the Lebanese government should apply and reform policies aiming to increase the protection of refugees on its territory. We call on the Lebanese government to accept the recommendations given with regard tor refugees in particular recommendations related to the right to work by amending regulations of the ministry of labour on the work of refugees in Lebanon and make sure that restrictions are not imposed on systematic and discriminatory fashion but on scientific evidence supported by the need of the Lebanese job market.

Finally our organizations are confident that with the current situation Lebanon faces multi-faced tensions and challenges particularly affecting its stability and security situation. Our organizations would like to emphasise on the need to develop strong human rights frameworks insuring Lebanon's ability to respect, and fulfil its human rights obligations as the best strategy to counter such pressures and insure stronger cohesion.

ALEF - act for human rights, an NGO without consultative status, also shares the views expressed in this statement.